IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

WP(C).No. 31042 of 2007(U)

PETITIONER:

BHARTI AIRTEL LIMITED,
DOOR.NO.7/568, A-J N.H. BYE PASS,
KUNDANNUR JUNCTION, MARADU P.O., COCHIN 4
REPRESENTED BY ITS HEAD LEGAL(KERALA CIRCLE)
JAYABAL MENON.

BY ADV. SRI.A.KUMAR

RESPONDENTS:

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1. THE INSPECTOR,
COMMERCIAL TAX CHECK POST,
CHINNAR.

2. ASSISTANT COMMISSIONER
(COMMERCIAL TAXES),
KVAT SPECIAL CIRCLE III,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI. K.P.PRADEEP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J

W.P.(C).31042/2007

Dated this the 19th day of October, 2007

JUDGMENT

The optical fibre telephone cables transported by the petitioner has been detained at the check post by Ext.P2. The only contention is that the number of the vehicle in which the goods were transported and the vehicle number mentioned in the invoice are different and hence the vehicle was detained at the check post. Moreover, objection has been raised that the petitioner is not a registered dealer.

2. Certificate of registration is produced by the petitioner as Ext.P1. There is discrepancy in the number of the vehicle that has been transported by the petitioner. Actually as the vehicle in which the goods were originally consigned had broken down, the goods had to be transported in another lorry. In view of the aforesaid situation, I see no justification to continue the detention of the goods. In view of this, I dispose of this writ petition with a direction to the first respondent that the goods covered by Ext.P2 notice shall be released to the petitioner

on he executing a bond without sureties. Enquiry as provided in the Act will continue.

ANTONY DOMINIC
Judge

mrcs